

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

LAHNEEN SLANTIS, Plaintiff,	:	No. 1:09-cv-049
	:	
	:	Judge Conner
v.	:	
	:	Jury Trial Demanded
CAPOZZI & ASSOCIATES, P.C.,	:	
Defendant.	:	<i>Electronically Filed</i>

**PLAINTIFF’S MOTION TO DISQUALIFY DEFENDANT’S
COUNSEL**

Plaintiff, by and through her counsel, hereby moves pursuant to L.R. 43.1 of the Rules of Court for the U.S. District Court for the Middle District of Pennsylvania, to disqualify Defendant’s counsel and avers in support thereof as follows:

1. Plaintiff filed this action on or about January 9, 2009, against Defendant Capozzi & Associates, P.C., a law firm, alleging that Defendant violated the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”).
2. Plaintiff alleges that Defendant improperly accessed her credit report for purposes not permitted under the FCRA and is liable to her for damages therein.

3. Two attorneys affiliated with the Defendant law firm, Andrew R. Eisemann and Trudy A. Mintz, entered their appearances on behalf of Defendant.

4. Plaintiff learned from pre-complaint discussions with Defendant's representatives that two potential fact witnesses included Louis J. Capozzi, President of Defendant law firm, and Andrew R. Eisemann, an associate of the Defendant law firm, either or both of whom may have had a role in accessing Plaintiff's credit report.

5. Plaintiff advised Defendant prior to the Court's Case Management Conference of her intent to seek Disqualification of Defendant's Counsel for a conflict of interest and his role as a witness.

6. In the Joint Case Management Plan, Defendant disclosed Louis J. Capozzi as a witness for Defendants.

7. Plaintiff believes and therefore avers that Andrew R. Eisemann, an associate of the Defendant law firm, is a likely witness in the merits of the case because of his knowledge of Defendant's access to Plaintiff's credit report.

8. Plaintiff believes and therefore avers that the participation of Mr. Capozzi as a party and witness, and/or the likely participation of Mr. Eisemann as a witness, violates L.R. 43.1 and warrants the disqualification of the law firm Capozzi & Associates, P.C.

WHEREFORE, Plaintiff respectfully seeks an order from the Court disqualifying Andrew R. Eisemann, Trudy A. Mintz, and any other attorneys from the law firm of Capozzi & Associates, P.C., from representing the interests of the Defendant in the above-captioned matter.

Respectfully submitted,

s/ Gordon R. Leech
GORDON R. LEECH, ESQ.
Wis. Bar ID #1039489
Samster Konkel & Safran SC
1110 N. Old World Third St., Ste. 405
Milwaukee, WI 53203
Tel: 414-224-0400
Fax: 414-224-0280
Email: gleech@skslawyers.com

Co-Counsel for Plaintiff:

s/ Frank P. Clark
FRANK P. CLARK, ESQ.
Pa Bar ID #35443
Clark & Krevsky, LLC
P.O. Box 1254
Camp Hill, PA 17001-1254
Tel: 717-731-8600
Fax: 717-731-4764
Email: fpc@clark-krevskylaw.com

CERTIFICATE OF NON-CONCURRENCE

I, Frank P. Clark, co-counsel for Plaintiff, hereby certify that I contacted Trudy A. Mintz, counsel for Defendant, to seek her concurrence in the foregoing Motion to Disqualify Defendant's Counsel and Ms. Mintz did not concur.

s/ Frank P. Clark

CERTIFICATE OF SERVICE

I, Frank P. Clark, hereby certify that on this 15th day of May, 2009, a true and correct copy of the foregoing PLAINTIFF'S MOTION TO DISQUALIFY DEFENDANT'S COUNSEL was served upon the below named persons via the Court's electronic filing systems:

Capozzi & Associates, P.C.
Andrew R. Eisemann, Esq.
Trudy A. Mintz, Esq.
2933 North Front Street
Harrisburg, PA 17110

s/ Frank P. Clark